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EXAMINER	
LONSBERRY, HUNTER B	

ART UNIT	PAPER NUMBER
2611	11

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/595,783	ADAMS ET AL.	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20 and 47-90* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20 and 47-90* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/26/04 have been fully considered but they are not persuasive.

1) Applicant argues that the combination of Chaddha and del Val would require substantial redesign of Chaddha, and that the media command functions in del Val are not specified by an associated data stream received by the client (page 23).

Regarding applicant's argument 1, Chaddha discloses in figure 9, that video/audio streams and annotation streams are delivered from a stream server 220 and webpages are delivered from a web server 230 to a browser950 and plugin module 952, a Netscape browser 600, (figure 6, a Netscape icon is shown in the corner of the screen capture, and the title bar says Netscape) contains a number of inset frames, including a video window 610, control window 620, table of contents frame 630, and HTML page window 640. Chaddha further discloses in figure 10a/b, that VCR applet 969 is loaded as a browser plugin (column 8, lines 3-64), and that VCR applet provides VCR like controls but does not utilize an annotation stream (column 9, line 63-column 10, line 6). Claim 1 merely requires that video data and an *associated* (not annotation) datastream are received by a computer system and that the associated data stream performs an interactive command. Chaddha's control window 620 (VCR applet 969), table of contents frame 630, and HTML page window 640 are all data, which is associated with the video stream 610. Clicking on a control item of applet 969 would perform an interactive command function as required by the claims, as the applet has

already been downloaded and is loaded in memory. Del Val is relied upon for a clearer understanding of how an interactive command function could be activated.

2) Applicant argues that the livescreen display of figure 6 in Chaddha is formatted by a designer 219 via an authoring module, rather than commands in the annotation stream. (Page 25)

Regarding applicant's argument 2, claims 9, 47, and 58, require the transmission/ delivery of a video stream and an associated stream, which allows for a display function to be preformed. The claims do not require the use of an annotation stream. Chaddha discloses the use of both annotation streams, and associated data (such as webpages, applets etc) to be delivered to a user. See previous response for more details on how Chaddha performs this function.

3) Applicant argues that the generation of Livescreen display 25 using producer 215 is independent of the annotation stream (Page 29).

Regarding applicants argument 3, claims 62, 68, 69-90 require the transmission/ delivery of a video stream and a data stream which is synchronized to the video stream, the datastream specifying a graphical command. Claim 62 does not require the use of an annotation stream. Chaddha discloses the use of both annotation streams, and associated data (such as webpages, applets etc) to be delivered to a user. Annotation streams data is synchronized for display via the use of event markers and generate video scenes (html pages for display), which are retrieved from the web servers (column 9, lines 1-45).

4) Applicant argues that Chaddha and Yen can not be combined in the manner purported by the office action, in particular there is no suggestion in Chaddha of the use of a tuner capable of receiving TV signals and thus does not teach the use of VBI, but rather streams video in IP format. (Pages 29-30).

Regarding applicant's argument 4, Chaddha teaches the transmission of AVI formatted video. Yen discloses the transmission of both MPEG and TV signals, and says that further information may be incorporated in the VBI of a broadcast signal or within the MPEG format (column4, lines 52-61). The examiner notes that the use of synchronized data with video delivered via the VBI is well known in the art, such as Intel's Intercast. AS both Chaddha and Yen deal with computing devices, and Chaddha discloses that the video source may be a digitalized video file, OR a videocassette recorder (which holds analog video data), Chaddha would be capable of viewing analog based video.

5) Applicant argues the applicants inherency argument regarding the use of HTML to create the display screen (pages 32-33).

Regarding applicant's argument 5, the examiner directs applicant to figure 6, which shows a Netscape browser with a number of inset frames. In Figure 9, Chaddha discloses a browser 950 with plug in module 952. Chaddha discloses that a user surfs the web and comes across a website of interest, this webpage is then downloaded from server 230 and displayed on the client computer 240, this target webpage provides an HTML link for the format for live screen display 600, which is displayed along with the

downloaded applets video and associated html pages (column 8, lines 3-44). As Chaddha utilizes a web browser to view an HTML page which describes the layout of livescreen display 600, Chaddha must contain HTML commands that disclose the location of objects on the stream, and the text ad text attributes, otherwise the HTML parsing performed by the browser would not know where and how to display the display items.

6) Applicant argues that the servers of the networks would be receiving the media command functions. (Page 34).

Regarding applicants argument 6, Chaddha discloses that the annotation streams include commands which instruct the browser to fetch HTML pages for display via HTML get packets (column 8, line 46-column 9, line 46), the VCR like functions are provided by an associated stream which has **already** been received by the browser, and loaded in memory. See argument 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-10, 12-20, 47-57, 68-90, and 94-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent 6,173,317 to Chaddha in view of U.S. Patent 6,128,653 to del Val.

Regarding claims 1, 9, Chaddha discloses in figures 9 and 10A, a device 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device and associated web content is retrieved for display with the video (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34). Chaddha does not disclose and interactive command function specified by the associated data stream. Del Val discloses utilizing HTTP protocol for streaming digital media, a user's browser, or browser plugin utilizes HTTP to send play, stop, rewind, fast-forward and pause commands to the web server/video server (Figure 5, column 8, line 64-column 9, line 60). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to utilize HTTP commands to control a data stream as taught by del Val and enable the transmission of video across a firewall.

Regarding claim 3, Chaddha discloses that the video and annotation streams may be retrieved via the internet (column 8, lines 46-59). Chaddha inherently utilizes a packet identifier to indicate that data type of a packet, otherwise the computer 240 would not know which packets are to be decoded by video decoder 964 and which are to be processed by the browser.

Regarding claims 4-7, Chaddha discloses in Figure 6, a browser window 600, with video window 610, and supplementary content windows 630/640, a designer utilizes HTML to create a display screen for a user and specifies the location of each element on the screen (column 6, lines 22-34).

Regarding claim 8, Chaddha discloses the use of VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34).

Regarding claim 10, Chaddha discloses the use of an audio time track 770 synchronized with the video, and that audio is decoded by decoder 964 (column 6, line 52-column 7, line 59).

Regarding claims 12-15, 17-18, 94-97 Chaddha discloses in Figure 6, a browser window 600, with video window 610, and supplementary content windows 630/640, a designer utilizes HTML to create a display screen for a user and specifies the location of each element on the screen (column 6, lines 22-34), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34). Chaddha inherently specifies a color palate, location of objects on the screen, coordinate scale, background color, text and text attributes as Chaddha utilizes HTML to create the display screen.

Regarding claim 16, Chaddha discloses that a user may use a keyboard or a pointing device to interact with the video/annotation data (column 4, lines 59-65). Chaddha/del Val does not disclose specifying a selection device. The examiner takes official notice that specifying a computer peripheral for interacting with a program is well known in the art, for example, specifying a mouse to interact with a window or a joystick to play a game. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha and del Val to specify a device to interact with a selection onscreen in order to provide a familiar user interface.

Regarding claim 19, Chaddha discloses that the video and annotation streams may be retrieved via the internet (column 8, lines 46-59). Chaddha inherently filters the data by destination address as it retrieves the video and html information from the internet and utilizes HTML get requests (column 5, line 10-column 6, line 34, column 8, lines 31-64), and the content must be directed to the proper location within the computer in order to be decoded and processed.

Regarding claim 20, Chaddha discloses that the video and annotation streams may be retrieved via the internet (column 8, lines 46-59). Chaddha inherently filters the data by source address as it uses URLs to locate the video/supplementary content streams (column 7, line 15-column 8, line 59).

Regarding claims 72-89, Chaddha discloses in figures 9 and 10A, a computer 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line1-5), additionally Chaddha discloses that microprocessor 116 controls the computer 100 and controls the reception and manipulation of input data and supplies the data to be output on display devices

(column 4, lines10-32). Chaddha inherently specifies a color palate, location of objects on the screen, text and text attributes as Chaddha utilizes HTML to create the display screen. Chaddha does not disclose and interactive command function specified by the associated data stream. Del Val discloses utilizing HTTP protocol for streaming digital media, a user's browser, or browser plugin utilizes HTTP to send play, stop, rewind, fast-forward and pause commands to the web server/video server (Figure 5, column 8, line 64-column 9, line 60). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to utilize HTTP commands to control a data stream as taught by del Val and enable the transmission of video across a firewall.

Regarding claim 90, Chaddha discloses in figures 9 and 10A, a computer 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line1-5), additionally Chaddha discloses that microprocessor 116 controls the computer 100 and controls the reception and manipulation of input data and supplies the data to be output on display devices

(column 4, lines10-32). Chaddha inherently scales the video window 610 as Chaddha utilizes HTML.

Regarding claim 98, Chaddha discloses in Figure 6, a browser window 600, with video window 610, and supplementary content windows 630/640, a designer utilizes HTML to create a display screen for a user and specifies the location of each element on the screen (column 6, lines 22-34), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34). Chaddha and del Val do not disclose the use of a text background transparency attribute. The examiner takes official notice that the use of an HTML transparency attribute is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha and del Val to include an HTML transparency attribute in order to better organize a combination HTML video display.

Claims 2, 11, 47,48, 51-54, 62-71 and 91-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent 6,173,317 to Chaddha in view of U.S. Patent 5,991,799 to Yen.

Regarding claims 2, 11, 62, 65, 66, Chaddha discloses in figures 9 and 10A, a device 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the

display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line1-5). Chaddha does not disclose a video stream coded in video scan intervals and the data stream being coded in the non-video scan intervals of the video signal. Yen discloses a video system, in which supplementary content is transmitted in the vertical blanking interval of broadcast video or in MPEG 2 video (column 4, line 34-column 5, line 53). Therefore it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to transmit additional information within the VBI in order to provide supplementary content to a user without internet access.

Regarding claims 47,48, 51, and 68-71, Chaddha discloses in figures 9 and 10A, a computer 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line1-5), additionally Chaddha discloses that microprocessor 116 controls the computer 100 and

controls the reception and manipulation of input data and supplies the data to be output on display devices (column 4, lines 10-32). Chaddha does not disclose data packets specifying a graphical command or a video stream coded in video scan intervals and the data stream being coded in the non-video scan intervals of the video signal. Del Val discloses utilizing HTTP protocol for streaming digital media, a user's browser, or browser plugin utilizes HTTP to send play, stop, rewind, fast-forward and pause commands to the web server/video server (Figure 5, column 8, line 64-column 9, line 60). Yen discloses a video system, in which supplementary content is transmitted in the vertical blanking interval of broadcast video or in MPEG 2 video (column 4, line 34-column 5, line 53). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha to utilize HTTP commands to control a data stream as taught by del Val and enable the transmission of video across a firewall and to transmit additional information within the VBI/MPEG stream as taught by Yen in order to provide supplementary content to a user without internet access.

Regarding claims 52-54, Chaddha discloses that both the audio/video/annotation streams are synchronized (column 7, line 15-column 9, line 30) and that graphics are displayed on a monitor 104 (column 3, line 64-column 4, line 10, column 8, lines 3-13) and a video/audio decoder and renderer 965 are used to process the video/audio, in figures 9 and 10A, Chaddha shows a computer 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965

(column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line1-5), additionally Chaddha discloses that microprocessor 116 controls the computer 100 and controls the reception and manipulation of input data and supplies the data to be output on display devices (column 4, lines 10-32).

Regarding claim 63, Chaddha discloses that the video and annotation streams may be retrieved via the internet (column 8, lines 46-59). Chaddha inherently filters the data by source address as it uses URLs to locate the video/supplementary content streams (column 7, line 15-column 8, line 59).

Regarding claim 64, Chaddha discloses that the video and annotation streams may be retrieved via the internet (column 8, lines 46-59). Chaddha inherently filters the data by destination address as it retrieves the video and html information from the internet and utilizes HTML get requests (column 5, line 10-column 6, line 34, column 8, lines 31-64), and the content must be directed to the proper location within the computer in order to be decoded and processed.

Regarding claim 67, Chaddha discloses that the video and annotation streams may be retrieved via the internet (column 8, lines 46-59). Chaddha inherently filters the data by source address as it uses URLs to locate the video/supplementary content streams (column 7, line 15-column 8, line 59). Chaddha inherently filters the data by

destination address as it retrieves the video and html information from the internet and utilizes HTML get requests (column 5, line 10-column 6, line 34, column 8, lines 31-64), and the content must be directed to the proper location within the computer in order to be decoded and processed.

Regarding claims 91-93, Chaddha discloses in figures 9 and 10A, a device 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line1-5). Yen discloses a video system, in which supplementary content is transmitted in the vertical blanking interval of broadcast video or in MPEG 2 video (column 4, line 34-column 5, line 53). Chaddha and Yen do not disclose the use of a modem coupled to a cable, satellite, or broadcast transmitter. The examiner takes official notice that the use of a modem coupled to a transmitter for inserting VBI data is well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Chaddha/Yen to transmit additional information within the VBI in order to provide supplementary content to a user without internet access, by coupling a modem to a transmitter.

Claims 58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent 6,173,317 to Chaddha in view of U.S. Patent 5,991,799 to Yen, U.S. Patent 6,128,653 to del Val and U.S. Patent 5,512,935 to Majeti.

Regarding claims 58, 60, and 61 Chaddha discloses in figures 9 and 10A, a device 240 which receives both a video stream and an annotation stream associated with the video, a video images is displayed on a display device 104 and associated web content is retrieved for display with the audio/video, the data is resembled and decoded by decoder 964 and renderer 965 (column 7, line 15-column 9, line 30), VCR like control buttons 620 and a table of contents window 630, which are selectable and change the display of the video and associated content (column 6, lines 22-34), a producer utilizes a workstation and HTML to create a Livescreen display for viewing at the user's computer (column 6, lines 22-34), a POTS modem, ISDN or Ethernet may connect a client computer 240 to a server 220 (column 6, line1-5). Chaddha/Yen/del Val does not disclose a computer coupled to the receiver. Majeti discloses in Figure 1, consumer premise equipment 20, in which pc 74 is coupled to STB 62 and CATV headend 30N. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Chaddha, Yen and del Val to couple it to the receiver as taught by Majeti thus providing a high speed downlink to both devices for rapid delivery of content.

Regarding claim 59, Chaddha discloses a device 240, which receives audio/video and associated content from a server 220. Chaddha/Majeti do not disclose the use of a satellite receiver. The examiner takes official notice that use of a satellite receiver for receiving video and internet content is well known in the art, for example

DBS satellite services. Therefore it would have been obvious to one skilled in the art at the time of invention to modify Chaddha/Majeti to utilize a satellite receiver in order to make use of its large downstream bandwidth in areas in which CATV service is not provided.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL

VIVEK SRIVASTAVA
PRIMARY EXAMINER